

KIMBERLY A. MAXSON
624 Mariola Street
Las Vegas, NV 89144-4479
Phone: 702-318-2750
Email: KimberlyMaxson3@GMail.com
IN PROPER PERSON

✓

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
JAN 27 2016	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY:	DEPUTY

UNITED STATES DISTRICT COURT
DISTRICT OF NE

2:16-cv-00152-APG-CWH

KIMBERLY A. MAXSON

) Case No.

Plaintiff

)
) **INITIAL COMPLAINT FOR**
) **DISCRIMINATION, RETALIATION,**
) **WRONGFUL TERMINATION,**
) **FAILURE TO HIRE, DEFAMATION**
) **DISPARATE TREATMENT,**
) **TORTIOUS INTERFERENCE AND**
) **INTENTIONAL INFLICTION OF**
) **EMOTIONAL DISTRESS**

vs.

H&R BLOCK, INC.

) **DEMAND FOR TRIAL BY JURY**

Does 1-25

I. INTRODUCTION

KIMBERLY A. MAXSON, in Proper Person hereby files this civil action brought against my employer H&R Block, Inc., seeking monetary and other relief for violations of my civil rights and other federal laws as per herein and captioned above. Some of the violations are still transpiring at this time as are the abuse and/or attempted abuse of legal proceedings in all directly related legal matters and which have a direct effect on this legal action (Exhibit E-Pages 37-38 of 90).

1 I am a victim of and / or witness to years of state and federal crimes (Title
2 18 U.S.C. § 3771(e)(2)(A)) including that involve an organized criminal
3 “racketeering” network and that use the courts in furtherance of their crimes.
4

5 As Case No. 2:14-cv-01724-GMN-PAL was the first case that I filed in this
6 United States District Court, District of Nevada, I have consistently referred to
7 it as “USDC Case No. 1” and I continue to do so herein and hereafter. That
8 legal matter has been part of the “*Fraud Across The Judicial System*”
9 including but not limited to as referenced in Exhibits B, E and F filed herewith.
10

11 I have consistently referred to Case No. 2:14-cv-02116-APG-NJK as
12 “USDC Case No. 2” and I continue to do so herein and hereafter. That legal
13 matter is the only one that the “*Fraud Across The Judicial System*” has not
14 totally corrupted. The Honorable Andrew P. Gordon, Presiding Judge of
15 USDC Case No. 2 has that case on a stay of sorts at this time with respect to a
16 final hours fraudulent and frivolous Motion To Dismiss (Doc No. 54) filed by
17 Mosaic’s legal counsel¹ in that matter.
18
19
20

21 When I make reference to this legal matter I will do so hereafter as “USDC
22 Case No. 3”.

23 Beginning at “*III. GENERAL BACKGROUND*” on Exhibit F-Page 4
24 of 29, I reference the “*Fraud Across the Judicial System*” which involves the
25 orchestrated attempted corruption of all legal matters in which I am a Claimant,
26
27
28

1 Plaintiff, Charging Party, Petitioner and/or Appellant which is transpiring in large
2 part to cover-up for the years of state and/or federal crimes, including under the
3 False Claims Act and RICO Act that have failed to be lawfully addressed by
4 those with the authority and responsibility to have done same.
5

6 In the orchestration of the corruption and/or attempted corruption of all
7 legal matters (ie – Exhibit E – Pages 37-38 of 90) it is important to pay attention
8 to how events in one legal matter affects the others.
9

10 With respect to this legal matter and as I address below. events that have
11 transpired ensured that I would once again be forced to draft an Initial Complaint
12 on my own without benefit of legal counsel and with very little time to do same
13 and while I was provided with yet another fraudulent “*Dismissal and Notice of*
14 *Rights*” letter (Exhibit D-Page 2 of 4) that has once again defrauded myself and
15 our country (Title 18 U.S.C. §§ 1341, 1961(1)).
16
17

18 II. JURISDICTION AND VENUE

19 This Court possess jurisdiction for this matter pursuant to 28 U.S.C. § 1331
20 including because of the violations of Title VII of the Civil Rights Act of 1964,
21 42 U.S.C. § 2000e et seq and 42 U.S.C. § 12112. Jurisdiction may also arise
22 from 28 U.S.C. § 1332.
23
24

25 I have been greatly harmed including through discrimination based on
26 disability and retaliation such as with respect to the Americans With Disabilities
27
28

1 Act and the above paragraph and also related to my status as a victim / witness of
2 state and federal crimes. Including but not limited to the intentional
3 deprivation of my right for honest services from the Nevada Equal Rights
4 Commission (“NERC”) and the Los Angeles District Office of the EEOC (“LA
5 DO of the EEOC”) and other due process rights, jurisdiction for this matter also
6 arises from violations of Title 42 U.S.C. § 1983.
7

8
9 Title 28 U.S.C. § 1367 provides this Court with “supplemental
10 jurisdiction over all other claims that are so related to claims in the action within
11 such original jurisdiction that they form part of the same case or controversy
12 under Article III of the United States Constitution”.
13

14 Any jurisdiction that may arise under 28 U.S.C. § 1332 does not “solely”
15 arise from same and therefore this Court’s supplemental jurisdiction including but
16 not limited to with respect to the state claims is not limited or prohibited.
17

18 Venue is proper in this District pursuant to 28 U.S.C. § 1391. A
19 substantial portion of the acts and conduct transpired in this District.
20

21 As the entirety of “*all of this*”² involves tax fraud including but not limited
22 to portions known by defendants (Exhibit A-Page 1 of 1) and especially but not
23 limited to involving defendants in USDC Case No. 2, and as the United States of
24 America has a direct interest in all legal matters (ie – USDC Case No. 2, Doc No.
25 8), venue may also be deemed to be proper in this District pursuant to 28 U.S.C. §
26
27
28

1 1396.

2 This matter exceeds the value of \$75,000 exclusive of interest and costs.

3
4 This civil action is being filed within ninety days of my having received
5 the "Right To Sue" letter from the LA DO of the EEOC. It is dated October
6 27, 2015 (Exhibit D-Page 2 of 4) and is postmarked October 28, 2015 (Exhibit D-
7 Page 3 of 4). If it was deposited in the U.S. Mail the morning of October 28,
8 2015, pursuant to the calculator available at www.USPS.com, the expected
9 delivery date of a first class envelope mailed from zip code 90012 to 89144 is
10 Friday, October 30, 2015. If it was deposited in the U.S. Mail later in the day
11 on October 28, 2015, then the expected delivery date is Saturday, October 31,
12 2015.
13
14

15 Therefore, if the postmark on the envelope displaying a time/date of
16 mailing of 2:10pm PST on October 28, 2015 came from the United States Postal
17 Service and not from a postage meter at / used by the LA DO of the EEOC then
18 the earliest that the envelope and contents (Exhibit D-Pages 1-3 of 4) would have
19 been received by me is Friday, October 30, 2015 or Saturday, October 31, 2015.
20 That provided me with a filing deadline date of January 28, 2016 or January 29,
21 2016 if the Main Office of the EEOC in Washington, DC could not be fully and
22 properly informed of the events that have transpired so that they could rescind the
23 "Right To Sue" letter by that same date.
24
25
26
27
28

III. PARTIES

I, KIMBERLY A. MAXSON, Plaintiff in this action am an adult individual who at all times herein have been a resident of Nevada and a citizen of the United States of America.

Defendant "H & R BLOCK, INC." (herein "H&R Block") is a corporation headquartered at One H&R Block Way, Kansas City, MO 64105. H&R Block does and / or has done business as H&R Block Enterprises, Inc., H&R Block Enterprise Services LLC, H&R Block Eastern Enterprises, Inc., H&R Block Tax Services, Inc., H&R Block Tax Company, LLC, HRB Resources LLC and H&R Block. H&R Block transacts business in this district.

The corporation's registered agent in the State of Missouri is CT Corporation System ,120 South Central Avenue, Clayton, Missouri 63105.

There are individuals that I believe may need to be identified by name in the caption of this legal matter but not all of which can be identified at this time, and "Does 1-25" are included in the caption above to provide for inclusion of same.

IV. BACKGROUND

USDC Case No. 2-Doc No. 44 at p 18-21 provides some general information regarding my advancement at H&R Block and dates of significance involving defendants from USDC Case Nos. 1 and 2.

1 H&R Block offers classes each year in which individuals can pay to take
2 classes to learn tax preparation and that is a means by which H&R Block obtains
3 new "First Year Tax Preparers" each year.
4

5 However when I applied for a Tax Preparer position with H&R Block on
6 September 21, 2009 it was as part of a special program that H&R Block had at the
7 time in which they interviewed applicants first and then selected from among
8 those applicants those individuals that would be employed by H&R Block and
9 paid to take their Income Tax Course ("ITC").
10

11 I completed my hiring paperwork on October 15, 2009 and October 16,
12 2009, was paid to take the ITC and certain skills training from on/about
13 November 24, 2009 to on/about January 2, 2010. On November 24, 2009 I
14 passed the ITC Exam with a score of 93 and began work as a "Tax Associate" in
15 Tax Season 2010 ("TS10").
16

17 I was initially hired by Mosaic (defendants in USDC Case No. 2) on /
18 about October 12, 2009 as a Merchandising / Field Specialist (USDC Case No. 2,
19 Doc No. 2-main, p 2) and therefore I began working for both companies around
20 the same time. As stated on that page and as detailed further in the
21 forty-three page fax included in Exhibit E (Pages 48-90 therein³), events and
22 actions that began my "Mosaic Charge"⁴ caused my Industrial Accident on July
23 13, 2010 during which time my bilateral knees were injured. As
24
25
26
27
28

1 acknowledged by Mosaic in the records in my Nevada Workers Compensation
2 Claim YNA09289C (“Claim⁵”), Mosaic caused my bilateral knee disability
3 which is “*Chondromalacia Patella of Bilateral Knees and Attenuated ACL of*
4 *Left Knee*”.

6 Again referencing beginning at “**III. GENERAL BACKGROUND**” on
7 Exhibit F-Page 4 of 29, my Claim, Mosaic Charge and a labor matter with Mosaic
8 are all intrinsically inter-related and joined in the pleadings in my Claim during
9 the first consolidated hearings that transpired on October 25, 2010 and all three
10 legal matters are among what defendants in USDC Case No. 1 were to provide
11 me with their legal representation.

14 As seen on Exhibit E-Pages 48-90, fraud and fraud on the court transpired
15 from the very beginning of my Claim (#3 on Exhibit E-Page 37 of 40) such that I
16 never actually had a workers compensation claim and accordingly the Nevada
17 Industrial Insurance Act (“NIIA”) does not apply as an exclusive remedy.
18 Additionally, because the parties failed to follow Orders for remedies that I was /
19 am entitled to receive and since my Petition For Judicial Review (#2 on Exhibit E-
20 Page 37 of 40) was part of the “*Fraud Across The Judicial System*” as has been
21 my Appeal at the Supreme Court of Nevada (#1 on Exhibit E-Page 37 of 40),
22 I have not received the remedies that I have been legally entitled to including but
23 not limited to pursuant to the NIIA. Therefore all remedies (ie –Equitable Relief
24
25
26
27
28

1 Based on Extrinsic Fraud) would / will have to come from civil and/or criminal
2 proceedings. As my Claim and Mosaic Charge have been intrinsically inter-
3 related this entire time, that is a reason why Mosaic made a final hours
4 appearance with a fraudulent Motion To Dismiss (Doc No. 54) in USDC Case No.
5 2 (#3, 4, 5 on Exhibit E-Page 37 of 40).
6

7 Although it was burden to Judge Gordon and took up space on the docket
8 of USDC Case No. 2 and although it was also a burden to me to have to produce
9 the filings, I appreciate Judge Gordon providing for my filing same. Within
10 those filings I also addressed the corruption of my Charge against H&R Block
11 (#6 on Exhibit E-Page 37 of 40). The most recent filing in USDC Case No. 2
12 related to same is Doc No. 90 therein.
13

14 Both Mosaic and H&R Block regarded me as having a disability within
15 the meaning of the Americans With Disabilities Act ("ADA"). Mosaic refused
16 to enter the interactive process and told me that they would not employ me until I
17 was "*at 100%*" and "*without medical restrictions*" and then intentionally harmed
18 me including through the **Fraud On The Court / Conspiracy To Defraud**
19 ("**FOTC/CTD**")⁶ so that I would never be "*at 100%*" again and would in fact
20 become increasingly disabled.
21

22 In contrast, H&R Block provided me with reasonable accommodations for
23 my bilateral knee disability that was caused by Mosaic. As seen on USDC Case
24
25
26
27
28

1 No. 2, Doc No. 44-p 15-16, my office managers and district managers interacted
2 with me regarding what reasonable accommodations I required and a number of
3 people at H&R Block were aware of the criminal conduct involved in my Claim
4 and Mosaic Charge.
5

6 Exhibit G is a copy of the "Record on Appeal" that was transferred from
7 the Hearing and Appeals Division and/or the Nevada Department of
8 Administration to the Eighth Judicial District Court and is purported to be all
9 that remains of my files and records at the Hearing and Appeals Division.
10

11 In the totality of the records⁷ in my Claim and Mosaic Charge, it can be
12 seen that H&R Block provided me with reasonable accommodations but that I
13 could not work as much as both H&R Block and I desired and therefore I have
14 continued to meet the qualifications for Temporary Total Disability ("TTD")
15 since the beginning of my Claim in September 2010 and the inclusion of H&R
16 Block in my TTD daily rate is one of the many topics that was intentionally
17 corrupted in my Claim and that requires remedy.
18
19
20

21 An ongoing question from H&R Block was when was I finally going to
22 receive my Claims Acceptance Letter ("CAL")⁸ and medical treatment⁹ that were
23 illegally withheld from me because again I could not work as many days as H&R
24 Block wanted me to work.
25

26 However, with the amount of time that I could work, not only could I
27
28

1 perform my job at H&R Block with the reasonable accommodations but I
2 continued to advance in Certification Level every single year as seen on USDC
3 Case No. 2, Doc No. 44, p 18-21 and I achieved the highest level one can achieve
4 before becoming a Master Tax Advisor / Enrolled Agent¹⁰.

6 Although I could not work as many days and hours and therefore could not
7 complete as many tax returns as some of my co-workers, I advanced further and
8 faster than the non-Enrolled Agents in my Office in certification level while
9 developing a reputation and award for "Second Looks" and building a loyal client
10 following.
11

13 In addition to working during tax season, I was also employed by H&R
14 Block during the "off-season" / "pre-season" as a Pre-Season Tax Preparer and
15 Instructor and also regarding which reasonable accommodations were provided
16 for me.
17

18 However all of that changed in Tax Season 2014 when my new Office
19 Manager Patrick Rodgers intentionally sabotaged me including by approving
20 reasonable accommodations for my bilateral knee disability but then lied about
21 same and during a Mid-Season Review with District Manager Douglas "Doug"
22 Terry that transpired on March 10, 2014, they used my reasonable
23 accommodations and bilateral knee disability as grounds to terminate me and to
24 remove me from the schedule permanently.
25
26
27
28

1 When clients telephoned the office to schedule with me, Mr. Rodgers
2 and my office mates told them things about me that were not true as to why I was
3 not on the schedule.
4

5 Clients were witness to the reasonable accommodations that H&R Block
6 provided to me over the years and in response to what transpired, clients protested
7 how I was discriminated against and also how Mr. Rodgers and Mr. Terry treated
8 them. Some clients left H&R Block completely and others refused to have their
9 taxes prepared by anyone other than myself and they called the corporate office to
10 complain.
11
12

13 For example, one client chose to remain with me as her tax preparer even
14 though she moved out of state and accordingly, she mailed her documents to me
15 at my office at 7550 West Lake Mead Boulevard, Las Vegas, NV 89128 (Office
16 # 27852). As that client did same specifically for me to prepare her taxes, she
17 was unwilling to have anyone else prepare her taxes when she was informed that
18 I was no longer employed at H&R Block. She told me that Mr. Rodgers was
19 extremely rude to her and told her that she could come by and pick up her papers
20 even though it was clearly obvious that she was half-way across the country!
21
22

23 I filed a formal discrimination complaint against Mr. Rodgers and Mr.
24 Terry with H&R Block Corporate and was provided with Case Number
25 13353712.
26
27
28

1 Although other tax preparers such as but not limited to Judith Kasky were /
2 are party to my causes of action herein, ultimately Mr. Rodgers was our office
3 manager that year and Mr. Terry was the district manager and my wrongful
4 termination required their participation to make it happen.
5

6 When Mr. Rodgers and Mr. Terry wrongfully terminated me effective
7 immediately on March 10, 2014, I had my usual drawer of drop-offs and returns
8 in process in addition to a client that was sitting at my tax desk waiting for me to
9 prepare her tax return following that meeting. Mr. Rodgers and Mr. Terry
10 prohibited me from completing her tax return and Mr. Terry stated to me "*And I*
11 *don't want to hear about all of the clients that depend on you*".
12

13
14 H&R Block heard from the clients themselves – on their own initiative
15 and including as referenced above. The actions of Mr. Rodgers and Mr. Terry
16 also clearly reflected negatively on H&R Block. When clients complained about
17 the matter I requested that they not judge H&R Block as a company based on the
18 actions of Mr. Rodgers and Mr. Terry (and miscellaneous tax preparers in my
19 office) before H&R Block Corporate addressed what transpired and their conduct
20 with respect to same.
21
22

23 I was wrongfully terminated because of my bilateral knee disability and
24 reasonable accommodations for same and I remained off the schedule for
25 approximately two weeks during which time I sustained financial losses and
26
27
28

1 was defamed to clients and to upper management / H&R Block Corporate by and
2 / or under the management of Mr. Rogers and Mr. Terry.

3
4 Including because of the client complaints, I was brought back to finish
5 that tax season for the clients that wanted me to prepare their tax returns but at the
6 North District Office (3171 North Rainbow Blvd – Office # 27836) under my
7 former office manager, Michael Dibetta. Mr. Dibetta was my office manager
8 at my office (Office # 27852) in Tax Season 2013 during which time he provided
9 me with reasonable accommodations for my bilateral knee disability and he was
10 the office manager at the North District Office (Office # 27852) in Tax Season
11 2014.
12

13
14 Before I was officially back on the schedule for the remainder of Tax
15 Season 2014, I had to first attend a meeting with Mr. Rodgers, Mr. Terry and Mr.
16 Dibetta at the North District Office but only the former two attended and during
17 which time I was issued a “Final Warning” letter dated March 19, 2014 that they
18 could not obtain without upper management’s approval pursuant to H&R Block’s
19 Corrective Action Policy / Policy # 110.
20

21
22 Mr. Rodgers and Mr. Terry not only falsified documentation regarding my
23 reasonable accommodations and sabotaged me to wrongfully terminate me, but
24 they further lied to upper management in order to generate that completely false
25 “Final Warning” letter that was/is intended to remain in my permanent records
26
27
28

1 with H&R Block.

2 Mr. Rogers and Mr. Terry fabricated the reasons why I was wrongfully
3 terminated to make it appear as if I was a non-compliant tax preparer in order to
4 obtain that "Final Warning" letter which in large part was also intended to cover
5 for their own wrongdoing while disparaging my spotless reputation in the process.
6

7 For example, the clients that stood up for me and for themselves were why
8 Mr. Rodgers and Mr. Terry falsely represented me in the "Final Warning" letter
9 as if I contacted clients in violation of an H&R Block policy.
10

11 I obtained a number of clients as referrals and referrals of referrals from
12 clients over the years and when Mr. Rodgers and Mr. Terry wrongfully terminated
13 me on March 10, 2014 effectively immediately, they left a client sitting at my tax
14 desk that I was scheduled to meet with after my Mid-Season Review with Mr.
15 Rodgers and Mr. Terry as stated above.
16

17 That client was a referral from a referral and both of whom brought me
18 other referrals and one of which brought yet another referral. In other words,
19 people talk on their own and some clients picked up their documents and left
20 H&R Block completely while others contacted H&R Block to bring me back on
21 the schedule to complete and/or prepare their tax returns.
22

23 Mr. Rodgers and Mr. Terry created all of that with their discriminatory
24 and unlawful actions but in the "Final Warning" letter they sought to falsely
25
26
27
28

1 accuse me of contacting clients in violation of an H&R Block policy.

2 To wrongfully terminate me and as part of the "Final Warning" letter,
3
4 Mr. Rodgers and Mr. Terry falsely represented me as working "off the
5 schedule" without permission.

6 It is common for a tax preparer to work outside of scheduled hours at
7
8 times whether it involves staying at the office later or going into the office earlier
9 and /or going into the office on a date / time other than scheduled.

10 When that needs to transpire, my experience has been that we inform the
11
12 office manager, who then verbally approves same and adjusts the coloring on the
13 schedule if needed.

14 Further during a meeting prior to Tax Season 2014, Mr. Terry stated that
15
16 my advancing in certification level yet again reaching the Senior Tax Advisor 5
17 status brought me to Service Level 3 (the highest of H&R Block's three service
18 levels) and that I could pretty much pick whatever hours I wanted to work.

19 Part of my reasonable accommodations for my bilateral knee disability
20
21 were to work Mondays ,Wednesdays and Fridays as it was less stressful on my
22 knees to work longer days less days a week than to work less hours on more days.

23 As Senior Tax Advisor 5, Service Level 3 and with the loyal following
24
25 that I had, when Mr. Rodgers only scheduled me for approximately 11:00am-
26 2:00pm on those three days, he set-up conditions that made it impossible for me
27
28

1 to accommodate my existing in-person clients, drop-offs and mail-ins and still be
2 able to take walk-ins and yet remain only within those limited number of hours.

3
4 As part of my reasonable accommodations for my bilateral knee disability,
5 Mr. Rodgers told me that I could work outside of my scheduled hours on those
6 days as long as I remained "in the black" on my "Tax Plus Revenue" which is
7 tracked and viewable in what is now "DNA" (formerly "My Block") which is an
8 online website that we each have with H&R Block. It basically amounted to the
9 fact that as long my commission exceeded my draw and therefore remained "in
10 the black", that he approved my working outside of my scheduled hours on those
11 days.
12

13
14 However, Mr. Rodgers printed schedules off "Appointment Manger" in
15 "DNA" and then wrote notes on them in which he falsely portrayed my pre-
16 approved reasonable accommodations for my bilateral knee disability as working
17 "off schedule" without permission on a number of occasions and used that as
18 grounds to wrongfully terminate me and in the fraudulent "Final Warning"
19 letter.
20

21
22 Less than four months prior to the Mid-Season Review on March 10, 2014,
23 Mr. Terry and I had a meeting prior to Tax Season 2014 and during which
24 he praised me for my integrity and loyalty to H&R Block, requested that I
25 consider putting together training materials and train the CSPs (our front desk
26
27
28

1 support staff), stated that I exceeded beyond 100% of the goal that H&R Block
2 set for me regarding clients that repeatedly return to specifically me as their tax
3 preparer and stated that I could pretty much pick my schedule as referenced
4 above.
5

6 Mr. Rodgers and I were in the same ITC Class together and whereas I
7 advanced as a tax preparer to work as a tax preparer, Mr. Rodgers advanced in
8 certification level but he followed a path of office management instead. Mr.
9 Rodgers and I therefore knew one another before he became my office manager
10 in Tax Season 2014 and in fact prior to then and knowing about my bilateral knee
11 disability, Mr. Rodgers allowed me to use offices that he managed while they
12 were closed so that I could complete certification level testing more
13 comfortably¹¹.
14
15
16

17 It was therefore surreal at the Mid-Season Review on March 10, 2014 to
18 witness Mr. Rodgers lie including about reasonable accommodations for my
19 bilateral knee disability that he approved and for Mr. Terry to go along with same.
20

21 I disputed my working off schedule without permission and wanted a copy
22 of the schedules that they printed with their notes on them and for Mr. Rodgers
23 and Mr. Terry to specifically indicate which appointments they accused me of
24 working off schedule without permission regarding.
25

26 Pursuant to NRS 613.075(1)(a)(1) and 613.075(1)(b) H&R Block was
27
28

1 legally required to provide me with a copy of those records / evidence that my
2 wrongful termination and subsequent "Final Warning" letter was based on but
3 Mr. Rodgers and Mr. Terry refused to do same because there was no real
4 evidence of any wrongdoing by me as it was all fabricated and some of the things
5 that I was wrongly accused of represented disparate treatment against me.
6

7 Mr. Terry told me that I could print the schedules off Appointment
8 Manager which I certainly could do but there was no evidence of wrongdoing on
9 those schedules and therefore I was entitled to a copy of the schedules with the
10 notes from Mr. Rodgers and Mr. Terry on them. Subsequently, they blocked
11 my access to Appointment Manager in DNA.
12

13 In a letter to H&R Block Corporate dated March 21, 2014 in which, among
14 other things, I requested a copy of those records, I also complained about the
15 loss of two weeks of wages during the time that I was removed from the schedule
16 (in essence terminated) and before I was brought back to complete that tax season.
17 I also complained about the negative results on my statistics that had ("My Tax
18 Plus Revenue") that would become part of my permanent H&R Block record. I
19 also complained about the assaults to my good name and excellent character.
20 I was told that I would be provided with the two weeks of pay but it is unclear
21 if that was included in the monies that I received at the end of that tax season.
22

23 H&R Block provided me with another Case number with respect to
24
25
26
27
28

1 providing me with the records that I requested that included the documentation
2 and evidence that my wrongful termination and "Final Warning" letter was based
3 on but ultimately they refused to provide me with a copy of the records that I am
4 legally entitled to receive.
5

6 While I was completing that Tax Season 2014 at the North District Office,
7 I was going to take my required break immediately afterwards as usual and
8 wanted to remain employed during pre-season as a Pre-Season Tax Preparer and
9 Instructor as usual. However Mr. Dibetta informed me that once I completed
10 Tax Season 2014, that H&R Block was not going to employ me following that
11 tax season because of my bilateral knee disability and he specifically stated that it
12 was because they could employ tax preparers that are 100% normal / without
13 medical restrictions. He stated that they did not want to deal with reasonable
14 accommodations for my bilateral knee disability any longer and further stated that
15 I would need to obtain a lawyer to work for H&R Block again.
16
17
18

19 I filed a complaint regarding that and was told by Associate Relation
20 Advisor Katie Cochran that she would do her "due diligence" regarding same
21 however it was the only complaint for which H&B Block failed to provide a Case
22 Number which I addressed in subsequent communications.
23
24

25 In a letter to H&R Block dated October 15, 2014 I complained that
26 pursuant to what Mr. Dibetta stated that H&R Block failed to employ me as a
27
28

1 Preseason Tax Professional and for the first time in four years, I was not
2 employed as a TTS Field Instructor for Amended Returns.

3
4 I also complained about disparate treatment in that Mr. Terry failed to
5 keep me on the email distribution lists following Tax Season 2014 so that I did
6 not receive the emails that I would normally have received following the close of
7 one tax season and prior to the next tax season (during pre-season). We normally
8 receive such emails at our personal / non-H&R Block email address and Mr. Terry
9 removing me from the email distribution lists prevented me from receiving the
10 important information that the other tax preparers and instructors received.
11
12

13 In my letter / complaint, I stated that on September 26, 2014, I received a
14 telephone call from Mr. Terry's assistant at that time and she asked me if it was
15 my intention to continue my employment with H&R Block in Tax Season 2015.
16 I advised her that I certainly wanted to continue working at H&R Block and had
17 my continuing professional education requirements completed but that Mr. Terry
18 failed to include me in the emails following the end of the prior tax season. She
19 stated that she would forward me a copy of the emails but failed to ever do same.
20
21

22 Also in my letter dated October 15, 2014, I complained of disparate
23 treatment in that emails that were sent to my H&R Block email address were
24 being forwarded to Mr. Terry and monitored by him instead of being forwarded
25 to the corporate office by default as transpires during the entire pre-season for
26
27
28

1 H&R Block employees that do not work during the pre-season.

2 As I normally was employed during the pre-season following my required
3 break that H&R Block requires of us, I normally took the forwarding off my H&R
4 Block email address and used an autoresponder that directed calling the district
5 office to ask for me since I did not see those emails as frequently as during tax
6 season. I was not always scheduled with office hours during the pre-season
7 but I was employed as a Pre-Season Tax Preparer including so that I could meet
8 with clients as needed during that time and that requested specifically me as
9 their tax preparer.
10
11
12

13 In my letter I requested a response as to why my H&R Block email
14 address / emails to same were being treated differently than everyone else and
15 differently than in prior pre-seasons but H&R Block failed to provide a response
16 regarding same.
17

18 I applied for my position in my normal office (#27852) for Tax Season 2015
19 and when I was not hired for same I also applied for my position in other offices
20 and I was blocked from being hired each time even though I met the qualifications
21 and my position remained open / unfilled including in my own office.
22

23 While my position remained open / unfilled during Tax Season 2015, tax
24 preparers from my office telephoned clients whose tax returns I prepared and told
25 them that I no longer worked for H&R Block but that they had other qualified tax
26
27
28

1 preparers to assist them. Mr. Terry also sent me a letter that especially under
2 the circumstances, was tortious interference with my working as a tax preparer
3 outside of H&R Block.
4

5 In response to my "Failure To Hire" discrimination / retaliation complaint
6 H&R Block informed me that Mr. Rogers and Mr. Terry put a code on my
7 employee record that prevented me from being hired in my district as a tax
8 preparer. She stated that if I moved to another district and thereby obtained
9 another district manager, that person could remove that hiring block.
10

11 Although I could log in to my DNA website, various portions of my
12 website were restricted from my viewing and /or use. For example, I was unable
13 to log into Compass which is where I normally would complete training for my
14 continuing education requirements.
15

16 When I heard that Mr. Terry was fired from H&R Block, pursuant to what
17 H&R Block told me about the hiring block on my employee record, that should
18 have meant that the new district manager could remove same. However, as I
19 stated beginning in USDC Case No. 2, Doc No. 44, p 3, line 27, as of May 19,
20 2015 is when I discovered that I was denied access to my H&R Block website
21 completely.
22
23
24

25 I filed Doc No. 44 into USDC Case No. 2 on May 21, 2015 and stated that
26 I had not yet heard from a NERC investigator following the Informal Settlement
27
28

1 Meeting ("ISM") that NERC sabotaged from transpiring on December 4, 2014.

2 I received a letter from NERC dated the same date as I filed Doc No. 44
3 but as they have a conflict of interest with my H&R Block Charge they could not
4 investigate same and DID not receive my evidence of all of the above and more.
5 All I could do was answer a few questions and wait for a transfer of my H&R
6 Block Charge to the Main Office of the EEOC to provide my evidence, expand
7 my Charge and receive an investigation.
8

9 I filed my H&R Block Charge with NERC on September 5, 2014. At the
10 time that I did same, I did not then know that individuals in the LA DO of the
11 EEOC were part of the public corruption / racketeering enterprise (See especially
12 the box on Exhibit B- page 18 of 53) or I would have filed my Charge with the
13 Main Office of the EEOC and/or another office of the EEOC not including the
14 Las Vegas EEOC Office. Justice requires a complete change of venue for the
15 investigation of my EEOC Charge and there is no requirement that an
16 investigation must transpire with the EEOC in one's own district.
17
18
19
20

21 V. NERC AND EEOC

22 By my providing the Main Office of the EEOC and / or United States
23 Department of Justice ("DOJ") with a copy of what I provided to NERC in my
24 Mosaic Charge (currently USDC Case No. 2), it can be proven that NERC knew
25 that I met my legal burden for my causes of action and that their 'no probable
26
27
28

1 cause' finding letter was fraudulent.

2 In my Mosaic Charge, since I provided the LA DO of the EEOC with a
3 copy of what I provided to NERC, by my providing the Main Office of the EEOC
4 and / or the DOJ with a copy of what I provided to the LA DO of the EEOC, it
5 can be proven that they concealed NERC's fraud.
6

7 As I reference in Exhibit B, that not only harmed me but it also defrauded
8 our country including by NERC accepting contract monies under false pretenses.
9 Additionally the failure of both NERC and the LA DO of the EEOC to provide
10 honest services (Title 18 U.S.C. § 1346) helped advance the "***Fraud Across The***
11 ***Judicial System***" and the attempts by the conspirators / racketeers to conceal
12 years of state and federal crimes to which I have been a victim and witness.
13

14 The "Right To Sue" letter that is therefore before Judge Gordon in USDC
15 Case No. 2 (and the "Right To Sue" letter in Exhibit D herein) therefore involves:
16

17 (A) A "fraudulent scheme" meant to deprive of money, property and / or
18 intangibles such as "honest services" (ie – ethical conduct).
19

20 (B) Their intent to defraud
21

22 (C) Their fraud involved material misrepresentations of truth
23

24 (D) The mail was used to carry out the fraud
25

26 And accordingly, that is part of the years of Mail and Wire Fraud crimes
27 (Title 18 U.S.C. § 1341, 1343) attached to "***all of this***"².
28

1 I had just recently witnessed individuals from the Office of the Attorney
2 General of the State of Nevada ("NV AG's Office") act unlawfully in the
3 proceedings at the Eighth Judicial District Court (#2 on Exhibit E-Page 37 of 90)
4 and conspire with some of the very same individuals whose criminal conduct they
5 failed to lawfully address (See USDC Case No. 2, Doc No. 40).
6

7
8 Individuals at H&R Block have known about some of the events that those
9 proceedings were seeking to cover-up. There is no conceivable way in which I
10 could possibly provide NERC with my evidence and witness contact information
11 and my statements regarding same are in my NERC file.
12

13 Since NERC refused to transfer my H&R Block Charge to the Main Office
14 of the EEOC they would receive \$600-\$650 for a Charge that they really did not
15 "investigate" instead of \$50 for transferring it to the EEOC. That also allowed
16 them to once again take actions that concealed federal crimes that have a
17 reporting requirement at the federal level. (See Exhibit B – Page 4 of 53).
18

19 As the LA DO of the EEOC could only be expected to commit further
20 acts of corruption to cover for their prior unlawful acts, my H&R Block Charge
21 required a transfer to the Main Office of the EEOC to be assigned for
22 investigation from there and for my Charge to be expanded to include more recent
23 events. The Main Office of the EEOC told me to request that the LA DO of the
24 EEOC make the transfer at the time that a Substantial Weight Review ("SWR")
25
26
27
28

1 would normally transpire and that is what I did (Exhibits B and C). However,
2 the LA DO of the EEOC refused to transfer my H&R Block Charge and clearly
3
4 lied in their letter dated October 27, 2015 in which Karrie L. Maeda stated that I
5 requested a SWR from them (Exhibit D-Page 1 of 4).

6 Further, when Ms. Maeda stated "The evidence provided fails to
7
8 substantiate a violation of laws against discrimination" it must be remembered
9 that NERC and therefore the LA DO of the EEOC did NOT receive my evidence
10 and NERC did not conduct an "investigation". I answered some questions while
11
12 NERC refused to answer three very important questions in writing. That was
13 their "investigation". NERC did NOT receive my evidence and witness contact
14 information and they failed to address the disparate treatment and Failure To Hire.
15 They did not "investigate" my Charge nor expand my Charge – they have a
16
17 conflict of interest.

18 It is in my NERC file that I have a lot of evidence to be provided to the
19
20 Main Office of the EEOC or another district office that they would transfer my
21 H&R Block Charge to.

22 Therefore when Ms. Maeda further stated "There were no indications
23
24 that further investigation would disclose a violation of one of the statutes
25 enforced by the EEOC" that is readily provable to be an obvious lie as she
26 knows and/or has reason to know that is not true and which will be apparent upon
27
28

1 review of what I sent to NERC regarding my having the evidence for the Main
2 Office of the EEOC.

3
4 When the LA DO of the EEOC issued another fraudulent "Right To Sue"
5 letter instead of forwarding my H&R Block Charge to the Main Office of the
6 EEOC, that started the clock on my ninety-day filing requirement. As per #6
7 in my "Obstruction of Justice and Due Process Rights Violations" affidavit,
8 it would be in the best interests of myself, the public safety and our country for
9 the Main Office of the EEOC to rescind the Right To Sue letter and provide not
10 only for the investigation that NERC and the LA DO of the EEOC failed to do,
11 but also for the criminal conduct involved in same (Exhibit E-Page 2 of 90).
12

13
14 In addition to the circumstances regarding my Charges, there is the fact
15 that NERC has twice accepted contract monies for "investigations" they did not
16 honestly conduct and will provide false results that will be upheld by individuals
17 at the LA DO of the EEOC.
18

19
20 However to try to have the Right To Sue letter rescinded by the Main
21 Office of the EEOC takes time and during the time that the clock was running
22 on the ninety days, H&R Block was no longer blocking my re-hiring.
23

24 After failing to hire me as a Pre-Season Tax Preparer and Instructor in
25 2014 ("Pre-Season 2015"), and failing to hire me for my position during Tax
26 Season 2015, Pre-Season Tax Preparer and Instructor in 2015 ("Pre-Season
27

1 2016”) while the date for filing this legal action was approaching, I was suddenly
2 being considered for my position as a Tax Preparer in Tax Season 2016.

3
4 However, including but not limited to the fact that I remained blocked
5 from accessing my DNA website, every step of the way, there have been
6 roadblocks and disparate treatment and what feels more like “pretend” hiring in
7 the face of these legal matters than anything else.
8

9 To wit, in addition to continuing professional education requirements that
10 are required of all tax preparers, H&R Block has its own required training and
11 time had to be spent on same – online and in person. When the schedule was
12 sent out via email with everyone listed on same for training dates and times at
13 various offices, my name was not included on the lists. When I emailed the new
14 district manager David Williams about adding me to that schedule, I did not
15 receive a response. When the training date and location I asked to be added to
16 the list for was approaching, I made a telephone call to see if it was still scheduled
17 and I literally just had to show up.
18
19
20

21 There are emails that other tax preparers received that I was not included
22 on.
23

24 In my (re-)hiring for Tax Season 2016, I was given what could deceptively
25 appear to be a raise in my hourly pay but that I contend is sabotaging me for
26 being able to stay in the black on my Tax Plus Revenue and I requested in writing
27
28

1 that it be lowered. As it is a draw against commission that is settled at the end
2 of tax season, it is not really a "raise" but more of a higher amount of per hour
3 advance monies. At the end of tax season, if a tax preparer's commissions
4 exceed the amount they have been paid per hour, they receive the difference in a
5 final paycheck for that tax season. If however a tax preparer's commissions are
6 less than the amount they have been paid per hour, they are in overdraw. The
7 difference does not have to be paid back to H&R Block but one could be deemed
8 to not be profitable and that could be used as a pretext to hide the true motive for
9 failing to employ me following this tax season.
10
11
12

13 The discriminatory and illegal actions of H&R Block have made it harder
14 for me to remain in the black while they simultaneously increased my hourly
15 draw against commission rate.
16

17 To wit, one of the areas of our pay includes client retention which I
18 excelled at and spent years developing. As per above, prior to the start of Tax
19 Season 2014, Mr. Terry praised how I exceeded beyond 100% of H&R Block's
20 goal for me for clients that repeatedly return to specifically me as their tax
21 preparer. Therefore when Mr. Rodgers and Mr. Terry blocked my employment
22 in Tax Season 2015, they knew that were breaking that continuity of clients that
23 return to me personally as their tax preparer each year and that it would impact
24 my income in a substantial manner. I am a Senior Tax Advisor 5 but
25
26
27
28

1 without a prior client history from Tax Season 2015 so they made it comparable
2 to me being a First Year Tax Preparer in pay / commissions in that area.
3

4 That has been further impacted by my being displaced to a totally different
5 office from where I worked every prior tax season and therefore where I do not
6 have access to my prior client records. I was (re-)hired for my position in my
7 office (Office #27852) and after my business cards were ordered for same, I was
8 told that I was assigned to another office.
9

10 It must be remembered that clients that would normally have returned to
11 me personally in Tax Season 2015 were telephoned and told that I was no longer
12 working with H&R Block at all ever while my position in fact remained open.
13

14 If I was still in my prior office (#27852), I could expect to at least see some
15 of those clients in person but being moved to a totally different office, they would
16 not even know to look for me unless I could call them and tell them that I am
17 working with H&R Block and where I am. However, all of my client
18 information that was in my H&R Block email account that Mr. Terry monitored
19 has been totally wiped out and what client contact information was made
20 available to me is largely missing contact phone numbers and is mostly a list
21 of clients that failed to return to H&R Block in 2015 because of the events that
22 transpired.
23
24
25

26 Because H&R Block failed to employ me in 2015 to be (re-)hired for
27
28

1 Tax Season 2015, I could not just complete my continuing professional education
2 credits (“CPEs”) but rather I had to pass a knowledge assessment examination.
3
4 After doing same, I was provided with access to a limited DNA/Compass website
5 but not my DNA/Compass website with my history and full access to courses
6 therein. I therefore had to obtain my CPEs from outside of H&R Block.
7

8 Although I should have had my access restored to my normal Compass in
9 DNA within 48 hours of my “(re)hire” as transpires with “first year” tax preparers
10 that receive access to Compass / DNA for the first time upon hiring, it was
11 delayed by “management” (unspecified as to whom) and coincided with the
12 prejudicial events that have transpired at the Supreme Court of Nevada.
13

14 Normally tax preparers have a key for their office and yet I do not have a
15 key for my new office whereas the other tax preparers have keys.
16

17 Until the unlawful actions of Mr. Rodgers and Mr. Terry in March 2014,
18 H&R Block was in the background of “*all of this*”² providing me with reasonable
19 accommodations for years.
20

21 Additionally, my training with H&R Block provides me with a greater
22 understanding of the areas of tax fraud in these legal matters. Although IRS
23 Publication 17 is the main guide, certain topics have their own “pubs” and tax
24 preparers use pubs similar to how attorneys use legal resources.
25

26 With respect to same, as we were headed into Tax Season 2014, Mr.
27
28

1 Rodgers and I spoke about matters related to “*all of this*”² and I asked him if he
2 knew of a pub specific to bribes and kickbacks and Exhibit A is his email reply to
3 me. In my filing “**For Immediate Release: Claim File Tampering, HIPAA**
4 **Violations and Public Corruption At The Hearing and Appeals Division**” that
5 was dated approximately four months after the end of Tax Season 2014, I
6 referenced the tax treatment of bribes and kickbacks beginning at #71 on USDC
7 Doc No. 36 at 21:71.
8

10 Although I declined to receive the bribe offered to me by former Senior
11 Counsel for the NV DIR¹² John Wiles, Esq and Kevin L. Johnson, Esq, his firm
12 (Lewis Brisbois Bisgaard and Smith LLP) and clients (Mosaic – defendants from
13 USDC Case No. 2, The Hartford and their Third Party Administrator Specialty
14 Risk Services) through my court-appointed NAIW¹³-counsel Liceu Pereria, Esq,
15 the fact that it was offered to me means that those individuals would be party to
16 same which together with their use of falsified documentation has been known by
17 individuals in the NV AG’s Office since at least 2011 as has the kickbacks
18 involved with the medical fraud (ie-reports beginning on Exhibit F-Page 5 of 29,
19 line 17) that are applicable to my Claim and Mosaic Charge.
20
21
22

23 Before the start of Tax Season 2014 when I attended an event in preparation
24 for same and during which time I met with Mr. Terry as referenced above, Mr.
25 Rodgers was the first to greet me with “*Hi Gorgeous*”. When I arrived and we
26
27
28

1 were all at the front of the office, Mr. Rogers, Mr. Terry and Mr. Dibetta were
2 present and they joked a bit as if I was Erin Brockovich and they asked me "...*is*
3 *the movie was coming out yet ?*".
4

5 The importance of my including that is because individuals at H&R Block
6 not only provided reasonable accommodations but they were aware of
7 circumstances related to the cause of my bilateral knee disability and that there
8 were ongoing legal matters involving fraud and corruption.
9

10 Individuals including but not limited to Ms. Kasky and Mr. Dibetta read
11 filing(s) such as contained in Exhibit G. As Mr. Rogers is retired military, he
12 and I spoke about the potential ramifications for Appeals Officer Gary Pulliam,
13 Esq under the Uniform Code of Military Justice for his unlawful and felonious
14 conduct in my Claim which could include loss of rank and all retirement pay.
15
16

17 Around March 2014 is when Appeals Officer Pulliam was initially trying
18 to close my Claim before he would generate the fraudulent Interim Order
19 that would lead to the fax on Exhibit E-Pages 48-90 of 90 and thereafter his
20 fraudulent Decision and Order dated November 14, 2014 that is part of what the
21 fraudulent Orders from the Eighth Judicial District Court were fabricated to
22 conceal. How the pay structure with H&R Block works is one of the only things
23 that Appeals Officer Pulliam allowed me to file since he was bringing back all of
24 the fraud and as I was prohibited from having any due process rights such as
25
26
27
28

1 submitting evidence.

2 Also around March 2014 is when NERC was “investigating” my Mosaic
3 Charge and the importance of the monies that I received from H&R Block is in
4 my records for my Mosaic Charge with them.
5

6 At the start of Tax Season 2014, including via the schedule, I was being
7 set-up to be sabotaged for wrongful termination and in March 2014, is when Mr.
8 Rodgers and Mr. Terry wrongfully terminated me related to my bilateral knee
9 disability and reasonable accommodations for same.
10

11 A reason that I am including the above is because of my ham and eggs
12 analogy beginning on Exhibit F-Page 14 of 29 and specifically that once a party
13 takes any action in furtherance of the conspiracy / racketeering enterprise, they
14 are “committed” and cannot just walk away.
15
16

17 I do not yet know if H&R Block was party to the sabotaging of the
18 Informal Settlement Meeting in December 2014 and NERC repeatedly refused to
19 answer my question about same in writing. If an ISM transpired, inter alia the
20 lies and false evidence that Mr. Rodgers and Mr. Terry brought to upper
21 management as referenced above could have been revealed for what they are.
22 During which time H&R Block and I might also have reached a settlement.
23
24

25 Why H&R Block cut off my access to DNA completely in May 2015 and
26 just before NERC would begin to fail to actually “investigate” my H&R Block
27
28

1 Charge including the Disparate Treatment and Failure To Hire for which my
2 evidence is solid, is also a valid question.

3
4 A point is that if H&R Block has taken any actions in collusion with
5 NERC by sabotaging the ISM or have otherwise taken any inappropriate actions
6 in concert with those that are part of "*all of this*"², then H&R Block has become
7 party to more than my Charge alone and would be ham on the plate.

8
9 Although I am told that Mr. Terry was fired by H&R Block, it is my
10 understanding that Mr. Rodgers is working as an assistant to the Regional
11 Manager where he likely has even greater access to records and influence and
12 can be a source of the disparate treatment, retaliation and defamation currently
13 transpiring against me.

14
15 Further, beyond my own personal matter, I contend that it is a cause for
16 concern when someone that falsifies documents and lies to upper management
17 gains greater authority and access to records at a company that is directly tied
18 to revenue for our federal government whom was defrauded by both NERC and
19 the LA DO of the EEOC in the corruption of my H&R Block Charge.

20
21
22 **VI. FIRST CAUSE OF ACTION**
23 (Failure To Accommodate)

24 H&R Block knew that I was disabled within the meaning of the ADA.
25 H&R Block saw that I was able to perform the essential functions of my three
26 positions with reasonable accommodations but stated that they did not want to
27

1 employ a disabled tax preparer when they could obtain tax preparers that are
2 100% normal and without medical restrictions and did not want to provide
3 reasonable accommodations any longer.
4

5 My reasonable accommodations were always addressed directly with my
6 office managers and district managers. At no time did management ever indicate
7 any need for anything to be on file at the Corporate Office regarding same.
8

9 I have requested reasonable accommodations with my current office
10 manager in my new office - Edwin "Clair" Howes – and stated that it is my
11 understanding that we should have something on file at the Corporate Office
12 regarding same but he stated that makes more work for him.
13

14 I have requested to wear certain footwear, to have the less days, longer
15 hours schedule and to sit close to the printer, none of which represent any
16 hardship on H&R Block. Mr. Howes stated his preference to accommodate
17 reasonable accommodations via verbal agreement.
18

19
20 **VII. SECOND CAUSE OF ACTION**
21 **(Wrongful Termination)**

22 H&R Block knew that I was disabled within the meaning of the ADA.
23 I was wrongfully terminated on March 10, 2014 by Patrick Rodgers and Douglas
24 Terry because of my bilateral knee disability and the unwillingness of H&R Block
25 to provide reasonable accommodations for same any longer. I filed a complaint
26 with H&R Block regarding same.
27
28

VIII. THIRD CAUSE OF ACTION

(Failure To Hire)

H&R Block knew that I was disabled within the meaning of the ADA.

H&R Block knew that I could perform the essential job functions with reasonable accommodations especially since they provided reasonable accommodations for years and I continued to advance in certification level and the complexity of the tax returns that I could prepare.

In Tax Season 2014, after being put back on schedule only to complete the tax returns for clients that did not want another tax preparer to complete / prepare their tax returns, Michael Dibetta stated that H&R Block was not going to employ me any longer when they can obtain tax preparers that are 100% normal and without medical restrictions and that they did not want to provide reasonable accommodations any longer. Mr. Dibetta stated that I would have to obtain a lawyer to work for H&R Block again. I filed a complaint with H&R Block regarding same.

H&R Block failed to hire me as a Preseason Tax Preparer and Instructor in 2014 ("Pre-Season 2015"). I filed a complaint with H&R Block regarding discrimination related to my bilateral knee disability and retaliation. I also complained of disparate treatment such as with emails.

When H&R Block failed to hire me as a Tax Preparer in 2015, they knew that I met the qualifications for my position and could perform the

1 essential functions of same. My position remained open as did comparable
2 positions in other offices. I was told by H&R Block that my hiring was
3 blocked by management and by ultimately Douglas Terry as the then-district
4 manager. The code that was used was specific to my bilateral knee disability
5 and reasonable accommodations for same.
6

7
8 **VIV. FOURTH CAUSE OF ACTION**
9 (Retaliation)

10 After I filed the first Complaint for discrimination for failure to
11 accommodate and wrongful termination with H&R Block, Mr. Rodgers and Mr.
12 Terry further disparaged me to H&R Block Corporate and upper management and
13 generated a "Final Warning" letter that was based on their lies and fabricated
14 evidence that they refused to provide me with a copy of and that was/is intended
15 to be part of my permanent record with H&R Block.
16

17 I filed a Complaint on the failure of Mr. Terry, Mr. Rodgers and/or Mr.
18 Dibetta to provide me with documentation related to my wrongful termination
19 and "Final Warning" letter that I was / am legally entitled to receive.
20

21 I filed a Complaint regarding Mr. Dibetta stating that I would not be
22 employed any further because of my bilateral knee disability and reasonable
23 accommodations for same as stated above.
24

25 I filed a Complaint regarding H&R Block's failure to hire me and
26 regarding disparate treatment and retaliation.
27

1 H&R Block confirmed that my rehiring / employment was being blocked
2 by management and ultimately by Doug Terry but took no further actions to assist
3 me regarding same. When my position remained open while my clients were
4 telephoned and told that I was no longer working for H&R Block that was
5 both Failure To Hire related to my disability and also retaliatory for filing the
6 Complaints.
7

8
9 If H&R Block was involved with the sabotaging of the ISM and
10 conspired with NERC to remove my access to DNA at the same time that NERC
11 would begin their "investigation" that they both did not really conduct and that
12 they failed to address the Disparate Treatment and Failure To Hire in, then clearly
13 that is no less than retaliatory for filing my Charge.
14

15
16 **X. FOURTH CAUSE OF ACTION**
17 (Disparate Treatment)

18 In addition to H&R Block's Wrongful Termination and Failure To Hire,
19 disparate treatment transpired when only my H&R Block email address was
20 monitored by Mr. Terry and everything in my email account was completely
21 removed. Disparate treatment also includes my being removed from the email
22 distribution list in whole or part, my access to DNA being restricted in whole
23 and/or part, my being displaced to another office without full access to all former
24 client records, my not being listed on the training schedule or receiving an office
25 key like the other tax preparers.
26
27
28

XI. FIFTH CAUSE OF ACTION

(Defamation)

Mr. Terry and Mr. Rodgers lied to upper management / H&R Block Corporate to wrongfully terminate me and to generate the "Final Warning" letter that was/is intended to be part of my permanent file at H&R Block. Everything in same is false and intended to cover for their discriminatory and illegal actions. Especially with Mr. Rodgers' position as an assistant to the Regional Manager, he is in a position to further advance those lies and to continue to defame me while I continue to sustain damages from same. The new District Manager David Williams reports to the Regional Manager that Mr. Rodgers is an assistant to. I spoke with Mr. Williams and he acknowledging having heard things about me. Especially as I was deprived of an ISM and from receiving an investigation into my Charge, I continue to suffer from the lies that were told about me by Mr. Rodgers and Mr. Terry.

When I was wrongfully terminated and clients called looking for me, H&R Block told them things about me that were not true and that sought to damage my reputation and income.

XI. SIXTH CAUSE OF ACTION

(Tortious Interference)

I received a letter from Mr. Terry that was worded in a manner in which he referenced my not returning to H&R Block and in which he failed to represent

1 that it was he who was blocking same from transpiring. Including through Mr.
2 Terry, H&R Block sought to restrict my employment as a tax preparer outside of
3 H&R Block.
4

5 While it appears as if I am (re-)hired as a Tax Preparer, the process has not
6 been “normal” and does not feel genuine. It further appears that actions that
7 have transpired have a goal of preventing me from communicating with the
8 clients that used H&R Block in 2015 and that would have returned to me as their
9 tax preparer if H&R Block had not failed to hire me.
10

11 **XII. SEVENTH CAUSE OF ACTION**
12 (Intentional Infliction Of Emotional Distress)
13

14 H&R Block was in the background of “*all of this*”² for years and knew
15 that I was greatly harmed and that I truly loved my job at H&R Block and the
16 clients whose tax returns that I prepared. They also know how much I loved
17 teaching Intermediate Amended Returns each pre-season.
18

19 If my H&R Block Charge was investigated by the Main Office of the
20 EEOC, and if the intentional corruption of both my Charges (Mosaic and H&R
21 Block) was also part of an investigation by the EEOC and/or DOJ especially as
22 part of the “*Fraud Across The Judicial System*” it is my contention that an
23 intention to further harm me and to cause me further emotional stress would be
24 revealed. I contend that the intention to take away what little employment I had
25 during these years and that I truly loved is further retaliation against me and is a
26
27
28

1 further violation of Title 18 U.S.C. § 1961(1).

2 In USDC Case No. 2, I addressed the fact that the letter from NERC
3 regarding my H&R Block Charge and Doc No. 88 filed by Mosaic's legal
4 counsel in that case and that was filled with lies were timed to both arrive to me
5 on the same date while also indicating the pre-determination of my Supreme
6 Court of Nevada appeal therein. Defendants in USDC Case No. 2 benefit from
7 the corruption of my H&R Block Charge and the abuse of process of my Supreme
8 Court of Nevada appeal. Again, there is an orchestration behind the corruption
9 of all legal matters (Exhibits E-F).

13 XIII. JUDICIAL NOTICE

14 Fed.R.Evid Rule 201 allows the federal courts to take notice of matters of
15 record in other court proceedings "both within and without the federal judicial
16 system, if those proceedings have a direct relation to matters at issue". United
17 States ex rel. Robinson Rancheira Citizens Council v. Borneo, 971 F.2d 244, 248
18 (9th Cir. 1992)(internal citation omitted). Rule 201 mandates that a federal court
19 take judicial notice "if requested by a party and supplied with the necessary
20 information" (Fed. R. Evid 201(c)). "Judicial notice may be taken at any stage
21 of the proceeding" (Fed. R. Evid 201(d)).

22 In Exhibit G, it can be seen that following failed mediation with Mosaic
23 in my Claim and Charge and therefore since November / December 2012, I have
24

1 repeatedly requested a stay of the proceedings including to obtain legal counsel
2 and to assess the theft and tampering to my claim files and records and that it
3 was always denied. After the removal of defendants from USDC Case No. 1
4 it can be seen that my filings at the Hearing and Appeals Division all began
5 with my name and "*forced into self-representation*".
6

7
8 As the filings from the Eighth Judicial District Court A-14710380-J
9 should be viewable to this Court through DAP in their E-File and Serve system
10 and as the filings from Supreme Court of Nevada Case No. 68180 can be viewed
11 by navigating to <http://caseinfo.nvsupremecourt.us/public/caseSearch.do> ,
12 entering "*68180*" in the box for "*Case No*", clicking on "*Search*" , it can be
13 seen that I have been denied my right to legal counsel for greater than three years.
14

15
16 **I request that Judicial Notice be taken that I do not waive my right to**
17 **legal representation.** I have repeatedly stated that I cannot meet filing
18 requirements and seek and obtain legal counsel simultaneously which would
19 likely come from outside of this state.
20

21 **I request that Judicial Notice be taken that this legal action sustained**
22 **sabotage as part of the "*Fraud Across the Judicial System*".** That
23 transpired when the ISM was sabotaged and my H&R Block Charge failed to be
24 transferred to the Main Office of the EEOC for an investigation into same to
25 transpire. I was also kept busy with more tampering to my records and
26
27
28

1 corruption and filing requirements with the Eighth Judicial District Court and
2 Supreme Court of Nevada (ie-Exhibits E-F. That forced me into having to file
3 this Initial Complaint on my own and did not provide me with enough time for
4 this matter to be fully explained to the EEOC Main Office for them to rescind the
5 Right To Sue letter and provide for an investigation of my Charge.
6

7
8 **I request that Judicial Notice be taken that the Main Office of the**
9 **EEOC can still arrange for an investigation into my H&R Block Charge.**

10 When I filed my Initial Complaint in USDC Case No. 2, I was forced to do same
11 without the benefit of legal counsel and I did not know to include statements
12 regarding prima facie elements in causes of action, some of which would be the
13 same as herein as would statements regarding jurisdiction and venue. The fact
14 that I actually met the legal burden in the evidence that I provided to NERC and
15 that their findings were intentionally fraudulent combined with the LA DO of the
16 EEOC issuing an intentionally fraudulent "Right To Sue" letter is criminal
17 conduct as was the corruption of my ISM and investigation of my Charge against
18 H&R Block.
19

20
21 Although I now know about including such elements, I am not qualified
22 to self-represent and I deserve a chance to have an attorney review everything
23 herein and to amend what is required. Further, all civil proceedings have
24 become criminal matters and it is unjust for the defendants / respondents/ parties,
25
26
27
28

1 etc in all legal matters to further advance their unfair advantage from same.

2 I can detail the “*Fraud Across The Judicial System*” and show how the
3 conspirators / racketeers are orchestrating the corruption and cover-up across the
4 courts.
5

6 **XIII. PRAYER FOR RELIEF**

7
8 1. There is already a motion before Judge Gordon with my request for
9 assistance with this legal matter as it is directly related to what is before him and
10 there have been overlapping events with both Charges including with respect to
11 NERC, the LA DO of the EEOC, Mosaic and their legal counsel¹ in USDC Case
12 No. 2. References to H&R Block are in the Record on Appeal from my Claim
13 (Exhibit G) and in the district court proceedings.
14

15
16 2. I have read about federal judges that sua sponte have remanded
17 matters back to the EEOC for poorly conducted investigations. If this Court
18 requires a Motion For a Writ of Mandamus from me to provide for the
19 investigation that never transpired, I would file for same as I have no other speedy
20 remedy and otherwise this matter will be litigated with my having been
21 completely deprived of any legitimate investigation into either of my Charges and
22 while defendants in all legal matters prejudicially benefit from same.
23
24

25 3. Chief Judge Gloria M. Navarro has a conflict of interest with all legal
26 matters including this action. Events that have transpired in USDC Case No. 1
27
28

1 are part of the "*Fraud Across the Judicial System*" and delivered a favorable
2 outcome for Judge Navarro's friends, family and/or associates while depriving me
3 of my due process rights . Although everything that transpired therein can be set
4 side including but not limited to because of the profound violations of Title 28
5 U.S.C. § 455 and the Code of Conduct of U.S. Judges, the fact remains that all
6 legal proceedings have been corrupted or attempted to be corrupted and it is
7 unjust for civil proceedings to continue while the criminal conduct related to
8 same has failed to be lawfully addressed. Further, some of the records that
9 have remained illegally withheld from me by defendants in USDC Case No. 1
10 are directly related to all legal matters including this action.
11
12
13

14 4. The United States Supreme Court has ruled that a district court may
15 stay proceedings for criminal proceedings. If this matter is remanded to the
16 Main EEOC Office (Washington, DC) for investigation and if Judge Gordon will
17 continue the stay in USDC Case No. 2, I can bring before the appropriate federal
18 authorities, the evidence of the intentional corruption of both Charges by NERC
19 and the LA DO of the EEOC and the affidavits pursuant to USDC Case No. 2,
20 Doc No. 90. Additionally, #3 in Exhibit F-Page 21 of 29 ("Forthcoming
21 Affidavit") is related to both Charges including because the pre-determined end
22 result at the Supreme Court of Nevada was supposed to advance Mosaic's
23 fraudulent filings in USDC Case No. 2 and would also assist H&R Block in this
24
25
26
27
28

Charge and legal matter (Exhibit F).

5. I am seeking damages that I am legally entitled to receive and that are in excess of \$75,000, pre-judgment and post-judgment interest as provided by law, costs and attorney fees and all other relief that is just and proper including but not limited to the removal of the "Final Warning" letter from my employee file at H&R Block and the opportunity to obtain legal counsel to assist me.

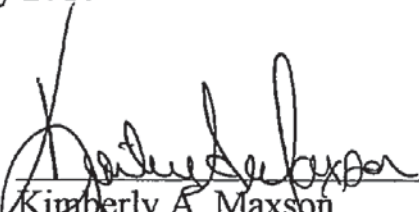
I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, belief and personal experience.

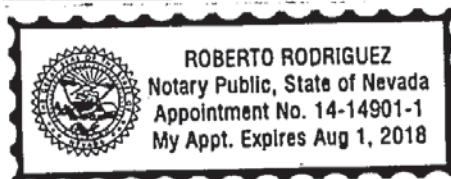
DATED this 27th day of January 2016

Subscribed and Sworn before me

this 27th day of January 2016

Notary Public


Kimberly A. Maxson
Plaintiff, IN PROPER PERSON
624 Mariola Street
Las Vegas, NV 89144-4479
Phone: 702-318-2750
Email: KimberlyMaxson3@GMail.com



¹ Roger L. Grandgenett II, Esq (NV Bar Number 6323), Rachel Silverstein, Esq (NV Bar Number 11057), Littler Mendelson, P.C., 3960 Howard Hughes Parkway, Suite # 300, Las Vegas, NV 89169-5937.

² "all of this" is a quote I have used in many pleadings that comes from Appeals Officer Michelle L. Morgando, Esq on October 19, 2012 when after learning of my Report in progress and notification to authorities, expressed

1
2 concern on the record if I was reporting her to be a "*part of all of this*". Appeals
3 Officer Morgando had evidence of the Fraud on the Court, Attorney Misconduct
4 and Public Corruption for approximately fourteen months at that time and failed
5 to follow the law and/or notify authorities with respect to same. I did not know
6 the extent of the Appeals Officer's failure to follow the law at that time. No
7 party has ever disputed nor denied that comment in response to any pleading in
8 which it was referenced by me.

9 ³ Exhibit E-pages 48-90 are also USDC Case No. 2, Doc No. 76-3, p 9-32
10 and Doc No. 76-4, p 3-20 and also USDC Case No. 1, Doc No. 1-main, Exhibit B,
11 p 19-61),

12 ⁴ I generally have defined "Charge" as actions and events related to
13 discrimination based on disability and retaliation regardless of whether or not they
14 were investigated by the Nevada Equal Rights Commission ("NERC"). See #2
15 on Exhibit E-Page 38.

16 ⁵ I generally have defined "Claim" as actions and events that transpired
17 during the proceedings for my Nevada Workers Compensation Claim although in
18 fact, the entire proceedings were corrupted by fraud starting from the beginning
19 and never actually transpired as a workers compensation claim. See #1 on Exhibit
20 E-Page 38.

21 ⁶ See Endnote A on Exhibit E-Page 85 of 90

22 ⁷ The Record on Appeal having been subjected to repeated theft and/or
23 tampering, it is not the full and complete record. Therefore, when I reference the
24 full and complete record, I am referring to everything that exists and/or that was
25 filed in its original and untampered format.

26 ⁸ Claims Acceptance Letter of "*Chondromalacia Patella of Bilateral*
27 *Knees*" and "*Attenuated ACL of Left Knee*" that resolved "*Scope of Injury*" and
28 that I earned via the **REMAND from Hearing # 79899-NG** on January 19, 2011
when the authority to fulfill that **REMAND** was given to Dr. Todd V. Swanson
by The Insurer in order to replace Dr. Bernard C. Ong who failed to fulfill its
terms on November 12, 2010. It remains illegally withheld from me in violation
of that **REMAND** since January 19, 2011 along with the **Benefit Penalty** owed to
me despite the fact that Appeals Officer Michelle L. Morgando, Esq had the
evidence in her possession since August 2011 to provide for same.

⁹ Dr. Michael Croveti as treating provider for my bilateral knee injuries
comes from the line of two **REMANDs**. One from the **REMAND** that provided
for the inclusion of my bilateral knee diagnoses in my Claim and thus my CAL^c
and the other from a **REMAND** regarding a treating provider for continued

1
2 medical treatment following the earning of my CAL^C. Both have been illegally
3 withheld from me for years despite the evidence that had been in the possession of
4 Appeals Officer Morgando to resolve the matters in May/June 2012 if not
5 July/August 2011. Dr. Croveti diagnostically and/or surgically validated the
6 CAL^C diagnoses of "***Chondromalacia Patella of Bilateral Knees***" and has been
misleadingly represented by Kevin L. Johnson, Esq as treating out of workers
compensation as part of an FOTC scheme.

7 ¹⁰ I am 80% complete on the Master Tax Advisor level which is the highest
8 certification level from H&R Block.

9 To become an Enrolled Agent with the IRS involves taking and passing a
three-part examination administered by the IRS.

10 Once I study for, take and pass the three-part Enrolled Agent examination
11 is when I would achieve "Master Tax Advisor" status with H&R Block. As
12 there is no certification level higher than a Master Tax Advisor / Enrolled Agent,
13 individuals already at that level must maintain that level but there is no
14 "certification level" at H&R Block higher than same. There are however,
specialty certifications / Tax Expert status that can be obtained at H&R Block by
tax preparers at any certification level and regarding which I earned three – Small
Business, Investment Income and Military.

15 ¹¹ Certification level testing transpires during the pre-season when mostly
16 only the district office is open. Each level tests on tax knowledge from all prior
17 levels and as those exams are open book, that can involve numerous course books.
18 By using a closed office, among other things, I could more comfortably spread out
19 my books and materials and at times could pass more than one exam on a given
20 date when unrestricted by time (ie – office hours). That way I could complete
21 more exams on less days spent doing same. Somewhat comparable to working
more hours on Mondays, Wednesdays and Fridays than fewer hours more days a
week. Testing in a closed office also allowed me to dress comfortably and to
elevate my legs as needed on a long day of testing.

22 ¹² Nevada Division of Industrial Relations of the Nevada Department of
Business and Industry.

23 ¹³ Nevada Attorney For Injured Workers also under the Nevada
24 Department of Business and Industry.